THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16240 of 2005

ORDER:

This writ petition is filed aggrieved by the proceedings of the first respondent, dated 07.12.2002, under which, a major punishment was imposed on the petitioner without conducting a regular departmental enquiry, which was also confirmed by the second respondent by proceedings dated 21.10.2003.

According to the petitioner, he was appointed as a Conductor in the respondent-Corporation on 01.08.1990 and was discharging his services sincerely and honestly. While so, he was charge sheeted on the allegation that while he was conducting vehicle No.AP10Z-1279 on 25.09.2001, at about 14.45 hrs, at Kosepalli Village, on route Dharmavaram to Tirupathi, he failed to take precautionary measures in preventing a mad person aged about 50 years in falling under the front left tyre of the vehicle which person later succumbed to injuries. He was called upon to submit his explanation and accordingly, he submitted his explanation. The first respondent, if not satisfied with the explanation, instead of conducting a regular departmental enquiry, passed an order imposing a major penalty of deferment of annual increment for a period of one year with cumulative effect. Though the petitioner filed an appeal before the second respondent, he was unsuccessful. Hence, the present writ petition.

At the time of hearing, the learned counsel for the petitioner submitted that there is absolutely no justification for the respondents to impose a major punishment without conducting domestic enquiry in view of the judgments of this Court as well as the Supreme Court.

Heard both sides and considered the material on record.

Prima facie, the impugned order of disciplinary authority imposing a major penalty without conducting a domestic enquiry is

illegal and unsustainable. However, instead of remitting the matter to the authorities for passing appropriate orders, this Court is inclined to modify the punishment to that of one withholding annual increment for a period of one year without cumulative effect. It is made clear that the monetary benefits that would be available to the petitioner as a result of this order shall be made available to him only from the date of this order, but not prior to the date of this order.

The writ petition is accordingly disposed of. No costs.

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26.07.2005

VGB